

20

Return To: *
Joyce Bradley

ORDINANCE NO. 2004- 10

AN ORDINANCE TO RE-ZONE AND RE-CLASSIFY LANDS IN NASSAU COUNTY, FLORIDA, FROM A PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners adopted Ordinance No. 97-19, enacting and establishing a Comprehensive Zoning Code, as amended; and

WHEREAS, and Summer Beach Development Group, Ltd., (the "Applicant" or the "Developer") as the authorized agent for Rayland, LLC, the owner of the subject property described in the attached EXHIBIT A, Legal Description, intends to develop the subject property in accordance with the Plummers Creek PUD Preliminary Development Plan, dated December 23, 2003, and described in the attached EXHIBIT B, and the PUD Conditions, dated March 22, 2004, as described in the attached EXHIBIT C; and

WHEREAS, the owner of the property described in the attached EXHIBIT A, legal description has authorized Summer Beach Development Group, Ltd., to apply for a re-zoning and re-classification of the subject property from Open Rural (OR) to that of a Planned Unit Development (PUD) pursuant to which the subject property will be developed as provided herein; and

WHEREAS, the Planning and Zoning Board of Nassau County has considered said application and held public hearings on the same after due notice on March 2, 2004, and made its findings and recommendations thereon; and

WHEREAS, the Board of County Commissioners has considered the findings and recommendations of the Planning and Zoning Board, and has held its own public hearings on the application after due notice and finds that the subject property described in the attached EXHIBIT A are suitable in location and character for the uses proposed in said application according to the criteria as set forth in Ordinance 97-19, as amended, Article 25, Planned Unit Development; and

WHEREAS, the Board of County Commissioners finds that such rezoning is: 1. Consistent with the Nassau County Comprehensive Plan; 2. Furthers the goals, objectives and policies of the Nassau County Comprehensive Plan; and 3. Is not in conflict with any portion of the County's land use regulations.

NOW THEREFORE BE IT ORDAINED this 22nd day of March, 2004, by the Board of County Commissioners of Nassau County, Florida, that the application for the Planned Unit Development for the subject property is hereby approved and the subject property shall be re-zoned as a Planned Unit Development (PUD) in accordance with and subject to the provisions of Ordinance 97-19, as amended, Article 25, Planned Unit Development and further subject to the additional conditions, requirements and findings described below:

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FILE 200510144 OR BOOK 01303 PGS 0258-0277 RECORDED 03/21/2005 09:19:09 NASSAU COUNTY, JOHN A. CRAWFORD, CLERK

SECTION 1. Property Rezoned: The Planned Unit Development for the subject property shall be as indicated on the Plummers Creek PUD Preliminary Development Plan attached hereto as EXHIBIT B. The Planned Unit Development is further subject to the requirements of Ordinance 97-19, as amended, in effect on the date hereof except as otherwise provided herein.

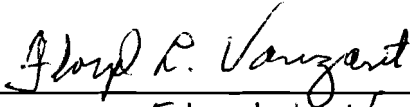
SECTION 2. Owner and Description. The subject property re-zoned by this Ordinance is currently owned by Rayland, LLC, and the Applicant/Developer is Summer Beach Development Group, Ltd., and is described in Exhibit A.

SECTION 3. Rezoning Approved subject to Conditions: The conditions set forth as EXHIBIT C shall be made a part of this Planned Unit Development, and the subject property shall be subject to said PUD Conditions. Further, the conditions of the Nassau County Zoning Ordinance Code established pursuant to Ordinance 97-19, as amended, established for Final Development Plan review are applicable, as are the Goals and Objectives of the Nassau County Comprehensive Plan as is currently in effect in Nassau County, Florida.

SECTION 4. Concurrency: It is acknowledged that the County has issued to the Plummers Creek PUD a "DECISION GRANTING FINAL CERTIFICATE OR CONCURRENCY WITH CONDITIONS" dated January 23, 2004 approving 500 Single Family Detached Housing Units. The expiration date of the certificate is January 23, 2006. However, so long as the conditions of the Plummer's Creek PUD and the conditions of the Final Certificate of Concurrency are met, the certificate of concurrency shall remain in full force and effect without the necessity for extension or renewal. Additionally, the approval encompasses the development of "single-family residences, patio homes, townhouse and/or multi-family residences" as specified in II.B.1 of the Development Conditions (Exhibit C).


SECTION 5. Effective Date: This Ordinance shall take effect upon its being filed in the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



Print Name Floyd B. VANZANT
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the

Nassau County Attorney:



MICHAEL S. MULLIN



SURVEYORS
&
LAND PLANNERS

PRIVETT & ASSOCIATES, INC.
200 SHADOWLAWN DRIVE
ST. MARYS, GEORGIA 31558

Telephone: 912/882-3738
Fax: 912/882-2729
email: privett@gate.net

EXHIBIT A

December 17, 2003

LEGAL DESCRIPTION OF A PORTION OF SECTION 1, SECTION 11, SECTION 12 & SECTION 13, TOWNSHIP 2 NORTH RANGE 26 EAST AND A PORTION OF SECTION 17, TOWNSHIP 2 NORTH RANGE 27 EAST, NASSAU COUNTY, FLORIDA:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF SECTION 1, SECTION 11, SECTION 12 AND SECTION 13, TOWNSHIP 2 NORTH RANGE 26 EAST, AND A PORTION OF SECTION 17, TOWNSHIP 2 NORTH RANGE 27 EAST, NASSAU COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 12 AND RUN NORTH 88°-55'-07" EAST, ALONG THE NORTHERLY LINE OF SAID SECTION 12, A DISTANCE OF 1329.58 FEET TO A POINT LYING ON THE EASTERLY LINE OF LANDS NOW OR FORMERLY OF CARL POWELL, III (ACCORDING TO DEED RECORDED IN BOOK 573, PAGE 410 OF THE OFFICIAL RECORDS OF SAID COUNTY) SAID POINT BEING THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED RUN NORTH 01°-27'-35" WEST, ALONG THE WESTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 155.34 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 200-A1A (A VARIED RIGHT-OF-WAY BY FLORIDA ROAD DEPARTMENT MAPS, SECTION 74040-2528), SAID POINT TO BY DESCRIBED AS POINT "A"; THENCE RUN BACK TO THE POINT OF BEGINNING AND FROM SAID POINT RUN THENCE SOUTH 01°-27'-35" EAST, ALONG THE WESTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 333.10 FEET TO THE SOUTHEAST CORNER THEREOF; RUN THENCE NORTH 88°-55'-57" EAST, ALONG THE SOUTHERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 1336.42 FEET TO THE SOUTHEAST CORNER THEREOF, SAID POINT BEING THE SOUTHWEST CORNER OF LANDS NOW OR FORMERLY OF RAYLAND COMPANY, LLC (ACCORDING TO DEED RECORDED IN BOOK 597, PAGE 407 OF THE OFFICIAL RECORDS OF SAID COUNTY); RUN THENCE SOUTH 73°-01'-36" EAST, ALONG A SOUTHERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 830.00 FEET TO AN ANGLE POINT; RUN THENCE NORTH 72°-57'-33" EAST, ALONG LAST MENTIONED SOUTHERLY LINE, A DISTANCE OF 400.00 FEET TO A POINT; RUN THENCE SOUTH 16°-35'-59" EAST, A DISTANCE OF 1167.97 FEET TO A SOUTHWEST CORNER THEREOF; RUN THENCE NORTH 73°-23'-50" EAST, ALONG A SOUTHERLY LINE THEREOF, A DISTANCE OF 1104.27 FEET TO A SOUTHEAST CORNER THEREOF, SAID POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF JOHNSON LAKE ROAD; RUN THENCE SOUTH 16°-37'-22" EAST, ALONG LAST MENTIONED WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1741.15 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN LAST MENTIONED WESTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE TO THE WEST AND HAVING A RADIUS OF 217.00 FEET, A CHORD DISTANCE OF 85.22 FEET TO A POINT, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 05°-17'-54" EAST; RUN THENCE SOUTH 83°-58'-22" EAST, ALONG THE

SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 66.00 FEET TO A POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID JOHNSON LAKE ROAD; RUN THENCE NORTH 06°-01'-38" EAST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID JOHNSON LAKE ROAD, A DISTANCE OF 56.67 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 (A 300 FOOT RIGHT-OF-WAY BY FLORIDA ROAD DEPARTMENT MAPS, SECTION 74160-2401); RUN THENCE SOUTH 16°-37'-22" EAST, ALONG LAST MENTIONED WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 234.50 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN LAST MENTIONED WESTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE TO THE WEST AND HAVING A RADIUS OF 7489.44 FEET, A CHORD DISTANCE OF 1530.39 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF LOT 32 JOHNSON LAKE ESTATES - UNIT 2 (ACCORDING TO PLAT RECORDED IN PLAT BOOK 5, PAGE 168, OF THE OFFICIAL RECORDS OF SAID COUNTY), THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 10°-45'-31" EAST; RUN THENCE NORTH 82°-03'-24" WEST, ALONG THE NORTHERLY LINE OF LOTS 30, 31, 28 AND 26 DOWN THROUGH 20 OF SAID JOHNSON LAKE ESTATES UNIT 2, A DISTANCE OF 1614.35 FEET TO AN ANGLE POINT IN THE NORTHERLY LINE OF THE AFOREMENTIONED LOT 20; RUN THENCE SOUTH 71°-19'-30" WEST, ALONG THE NORTHERLY LINE OF LOT 20 AND 19 OF SAID JOHNSON LAKE ESTATES, UNIT 2, A DISTANCE OF 447.11 FEET TO THE NORTHWEST CORNER OF LOT 19; RUN THENCE SOUTH 07°-55'-09" WEST, ALONG THE WESTERLY LINE OF LOTS 19 DOWN THROUGH 11 OF SAID JOHNSON LAKE ESTATES, UNIT 2, A DISTANCE OF 1200.00 FEET TO AN ANGLE POINT IN LOT 11; RUN THENCE SOUTH 37°-44'-29" EAST, ALONG THE SOUTHWESTERLY LINE OF LOTS 11 AND 10 OF SAID JOHNSON LAKE ESTATES, UNIT 2, A DISTANCE OF 497.86 FEET TO THE SOUTHWEST CORNER OF LOT 10; RUN THENCE SOUTH 04°-10'-27" WEST, ALONG THE WESTERLY LINE OF LOTS 6 DOWN THROUGH 1 OF SAID JOHNSON LAKE ESTATES, UNIT 2, A DISTANCE OF 645.07 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; RUN THENCE SOUTH 82°-06'-46" EAST, ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 400.00 FEET TO THE SOUTHEAST CORNER THEREOF; RUN THENCE SOUTH 62°-54'-41" EAST, A DISTANCE OF 351.39 FEET TO A POINT; RUN THENCE SOUTH 61°-05'-44" EAST, A DISTANCE OF 442.68 FEET TO THE NORTHEAST CORNER OF LANDS NOW OR FORMERLY OF ITT RAYONIER, INC.; RUN THENCE SOUTH 56°-07'-56" WEST, ALONG THE NORTHWESTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 691.19 FEET TO A POINT; RUN THENCE NORTH 32°-49'-00" WEST, ALONG A NORTHEASTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 585.55 FEET TO AN ANGLE POINT; RUN THENCE NORTH 61°-49'-42" WEST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 487.99 FEET TO A POINT; RUN THENCE NORTH 17°-51'-15" WEST, ALONG AN EASTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 352.45 FEET TO A POINT; RUN THENCE SOUTH 86°-22'-47" WEST, ALONG A NORTHERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 482.45 FEET TO A POINT; RUN THENCE NORTH 00°-11'-29" EAST, ALONG AN EASTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 693.73 FEET TO A POINT; RUN THENCE NORTH 45°-15'-38" WEST, ALONG A NORTHEASTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 268.02 FEET TO AN ANGLE POINT; RUN THENCE NORTH 60°-24'-30" WEST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 332.12 FEET TO A POINT; RUN THENCE SOUTH 50°-05'-07" WEST, ALONG A NORTHWESTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 319.28 FEET TO A POINT LYING ON THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK (AS ESTABLISHED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FILE No. 1828); RUN THENCE IN A GENERAL NORTHWESTERLY NORTHEASTERLY, SOUTHERLY, WESTERLY AND EASTERLY DIRECTION ALONG LAST MENTIONED MEAN HIGH WATER LINE, A DISTANCE OF 11,276 FEET, MORE OR LESS, TO A POINT WHICH LIES ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 200-A1A AND BEARS SOUTH 72°-19'-50" WEST, A DISTANCE OF 2541.62 FEET FROM THE AFOREMENTIONED POINT KNOWN AS POINT "A"; RUN THENCE NORTH 72°-19'-50" EAST, ALONG LAST MENTIONED SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2541.62 FEET TO THE NORTHEAST CORNER OF THE AFOREMENTIONED LANDS OF CARL POWELL, III; RUN THENCE SOUTH 01°-27'-35" EAST, ALONG LAST MENTIONED WESTERLY LINE, A DISTANCE OF 155.34 FEET TO A POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 550.72 ACRES, MORE OR LESS, AND IS SUBJECT TO NAY EASEMENTS OF RECORD WHICH MAY LIE WITHIN.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING THE SOUTHEAST ONE QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA (AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 12 AND RUN NORTH 88°-55'-07" EAST, ALONG THE NORTHERLY LINE OF SAID SECTION 12, A DISTANCE OF 1329.58 FEET TO A POINT LYING ON THE WESTERLY LINE OF LANDS NOW OR FORMERLY OF CARL POWELL, III (ACCORDING TO DEED RECORDED IN BOOK 573, PAGE 410 OF THE OFFICIAL RECORDS OF SAID COUNTY); RUN THENCE SOUTH 01°-27'-35" EAST, ALONG THE WESTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 333.10 FEET TO A POINT; RUN THENCE SOUTH 01°-10'-14" EAST, A DISTANCE OF 983.75 FEET TO A POINT FOR THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED RUN NORTH 89°-24'-27" EAST, A DISTANCE OF 1318.65 FEET TO A POINT; RUN THENCE SOUTH 00°-35'-51" EAST, A DISTANCE OF 1319.14 FEET TO A POINT; RUN THENCE SOUTH 89°-22'-13" WEST, A DISTANCE OF 1320.00 FEET TO A POINT; RUN THENCE NORTH 00°-32'-20" WEST, A DISTANCE OF 1320.00 FEET TO THE POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 39.97 ACRES, MORE OR LESS, IS SUBJECT TO ANY EASEMENTS OF RECORD WHICH MAY LIE WITHIN AND IS UNDER THE OWNERSHIP OF JANIE MOBLEY CALHOUN, VINCENT L. CALHOUN AND LEE COUNCIL MOBLEY.

ALSO LESS AND EXCEPT ANY CLAIMS OF SOVEREIGN LANDS BY THE STATE OF FLORIDA.

ERNEST R. BENNETT, JR.
FLA. SURVEYOR & MAPPER No. 6232

REF. DWG. No. B-2-1564-10-03

I. **General Conditions:**

The Plummers Creek PUD (Project), to be developed on land as described in Exhibit A, Legal Description, will be developed as a residential community in land parcels and in phases as delineated on the Preliminary Development Plan attached as Exhibit B. The Preliminary Development Plan depicts the conceptual location of the residential and supporting uses of the PUD. The Preliminary Development Plan incorporates by reference the terms of these PUD Development Conditions and the Developer's statements made in the related rezoning application, which collectively set forth the Developer's written plan of development for the Plummers Creek PUD. The PUD will consist of up to 500 single family and multi-family residential units, and related recreational and accessory uses. The Preliminary Development Plan, these Conditions and other supporting documentation are intended to clearly demonstrate that approval of the Plummers Creek PUD will benefit the community as a whole, and fulfill the applicable policies of the Nassau County Comprehensive Plan and intent of Article 25, Planned Unit Development, of Ordinance 97-19, as amended through the date hereof, the Nassau County Zoning Code (the "Zoning Code").

The proposed preliminary phasing schedule is provided on the Preliminary Development Plan. The Developer may choose to develop the project in a different phasing order other than as set forth in the Phasing Schedule and at its option, may elect to commence all or multiple phases at one time, subject to prior notification of any planned changes to the phasing schedule to the County Planning Director and Director of Engineering Services. As part of the final development plan submittals to Nassau County for any phase of the project, the Developer will update, as necessary, the Phasing Schedule based on market conditions at the time of the final development plan approval and engineering plan review for any phase of the PUD.

Within one (1) year after approval by the Nassau County Board of County Commissioners of the Plummers Creek PUD Preliminary Development Plan, the Developer shall submit a final development plan for the Developer's selected initial phase(s) of development for the project to the Nassau County Planning and Zoning Board for review and to the Nassau County Board of County Commissioners for approval pursuant to the provisions of Article 25 of the Zoning Code and Ordinance 2000-04, otherwise known as the Development Review Regulations. The Board of County Commissioners, upon request from the Developer and for good cause shown, may extend the one (1) year time period for submitting the final development plan. Such extension shall not exceed one (1) year. The location and size of all lots, roads, project entrances, recreation/open space and other areas shown on the Plummers Creek PUD Preliminary Development Plan are conceptual. The final location of residential areas, any roads, project entrances, recreation/open space areas, and other areas will be depicted on the final development plan and the final engineering plans for particular phases of the project and subject to the approval of the Board of County Commissioners, so long as the proposed changes will not trigger the deviation criteria described in Article 25, Section 25.07, Items A, B, C or D of the Zoning Code, unless otherwise approved by the Planning and Zoning Board as described in Section 25.07.

If there is any inconsistency in the terms and conditions of this PUD with any County Ordinance or requirements, the terms and conditions of this PUD shall govern.

II. **Specific Conditions:**

A. **Ownership and Maintenance:** The Project and related facilities, other than individual residential lots or commercial parcels, will be owned, maintained and operated as follows:

1. Any common areas associated with the residential properties, including common preservation areas, amenities, landscape areas, signage, etc., may be managed by a homeowner's or property owner's association to be established by the Developer through deed Covenants and Restrictions that the Developer will establish for the property. The roadways and stormwater management facilities may remain private and may be maintained and operated by the homeowner's or property owner's association as established by the Developer. Any deed from the Developer to third party purchasers in the project will incorporate such Covenants and Restrictions by reference to the Covenants and Restrictions in each deed. Such deed restrictions created by the Covenants and Restrictions shall run with the land in order to protect both present and future property owners within the Project. The Developer shall establish the applicable homeowner's or property owner's association prior to the sale of any lots or units within the Project by the Developer to any third party. The Developer may elect to form separate and/or multiple property owners and/or homeowners associations for the Project. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the portion of the Project governed by such entity. The applicable associations and/or nonprofit corporations shall manage all common areas, recreational and open space and recreational facilities that are not dedicated to the public and that are within the lands that are subject to the jurisdiction of such association or nonprofit corporation; shall provide for the maintenance, administration and operation of such portions of the Project and any other lands within the Project not publicly or privately owned; and shall secure adequate liability insurance governing such areas owned or operated by such association or nonprofit corporation.
 2. Ownership, maintenance and operation of the water, sewer, electrical, telephone and other service utilities will be the responsibility of the respective franchise companies serving the area. Appropriate easements over the private streets and other areas of the Project will be granted as need to support the provision of such services.
- B. Permitted Uses: The following uses are permitted as illustrated on the Preliminary Development Plan.
1. Up to 500 Single-family residences, patio homes, townhouse and/or multi-family residences in areas designated as residential use on the Preliminary Development Plan.
 2. A maintenance/service facility that may include a storage area for resident's boats and recreational vehicles. The Developer reserves the right to provide a boat and RV storage area as a permitted accessory use and structure within the project specifically designated by the Developer for use by residents of the PUD. This use shall not be considered a commercial use. Any boat and RV storage area shall be buffered in accordance with the provisions of Section 28.08 of the Zoning Code if applicable.
 3. Two recreational areas that may be developed as a general community recreational facility, including a multi-purpose playfield and children's playground and a Social Club facility including pool, tennis and similar community recreational uses; or that may be developed as two general community recreational facilities, including a multi-purpose playfield and children's playground. The development of these facilities is subject to further conditions at Paragraph J.
 4. Two small recreational areas that may include small docks providing access to Plummers Creek for the launching of small boats and other uses
 5. Open space areas including wetland and other preservation areas.

C. Temporary Uses: The following temporary uses are permitted:

1. A temporary sales office for the sale of lots and houses will be permitted at or near each entrance to the site until all of the residential lots are sold. Such offices may be moved within the property as development proceeds from phase to phase. The Developer shall indicate with a note on any site plan submitted to the Development Review Committee for approval of the location of said units on the site plan of each such phase as appropriate.
2. Temporary construction trailers as needed to support the construction process for the various uses. The Developer shall indicate with a note on any site plan submitted to the Development Review Committee for approval of the location of said units. The temporary construction trailers shall be removed within thirty (30) days of completion the improvements for which they were intended, provided that the right to utilize such temporary facilities shall continue until build-out of the project.
3. These temporary facilities may utilize special decorative and security lighting as long as the temporary facilities are in use.
4. These temporary facilities may utilize temporary septic tanks and/or pump-out sewerage storage tanks as approved by the County Health Department, and temporary overhead electrical service. All such facilities will be removed upon removal of the temporary facilities.

D. Silvicultural Uses: The property may continue to be used for Silvicultural activity until such time as construction commences on specific portions of the site and any portions not subject to construction or other encumbrances may continue to be used for silviculture subject to application of "best management practices" including controlled burning as approved by the Florida Forestry Division.

E. Access and Circulation:

1. Primary Access: The primary entrance into the project will be from SR-200 as depicted on the Preliminary Development Plan. The driveway location and all improvements will be subject to the standards of the Florida Department of Transportation and Nassau County.
2. Gated Secondary and Emergency/School/Service Access: A secondary access to be gated with electronic controls and to be utilized for residents as well as emergency, school buses and other service vehicles only will be located on Semper Fi Drive (formerly Johnson Lake Road) as depicted on the Preliminary Development Plan. This entrance will be a two-lane facility that is built to County standards. This secondary access may, at the option of the Developer, be used for construction access during Phases II, III, and IV. At least a twenty (20) foot wide stabilized road that will support the County's emergency vehicles shall be in place prior to the issuance of the certificate of occupancy on the one hundred twenty fifth (125th) dwelling unit.
3. Access to Out-Parcels: There is a block of land that, according to Nassau County tax records, contains three ownerships and is completely encompassed by the lands of the Project. At the present time, these "out-parcels" rely on a forest road for access and do not have any easement or other formal right of access. As illustrated on the Preliminary Development Plan, these out-parcels will be provided a point of access at a common property line on the northern boundary of the parcels and a second point of access further to the east. The developer shall grant the owners of the out-parcels access by easement across the Plummers Creek internal road system. The Developer assumes no further responsibility related to the provision of access to the out-parcels or to circulation

within the out-parcels. The Preliminary Development Plan illustrates a potential optional crossing of the northeast corner of the northeastern out-parcel, located at the eastern access point as described above, to minimize wetland crossings. Should the Developer be able to acquire property to accommodate such a connection, such lands will be added to the project during the approval process for an appropriate Final Development Plan. Additionally, the Preliminary Development Plan illustrates a potential extension of a cul-de-sac into the out-parcels from the south. This potential connection is provided to support the addition of the out-parcels to the Project in the event that the Developer should have an opportunity to purchase all or some of them in the future.

4. The County is not certain that the right of way meets County standards of sixty (60) feet in width. As Final Development Plans are prepared for areas of the Plummers Creek Property that abut or straddle Semper Fi Drive, the Developer shall dedicate additional right-of-way to create a sixty (60) foot wide right-of-way where the Property straddles Semper Fi Drive. Where the Property abuts Semper Fi Drive, the county already has a 66 foot right of way, so no more would be needed from the Developer. Developer agrees to resurface Semper Fi Drive to county standards from the second point of access to SR 200/A1A upon the completion of construction of Phases 2, 3, and 4 so long as the access to Semper Fi Drive is available to all Plummer Creek residents. During construction, Semper Fi Drive will be maintained in safe condition. A right turn lane from Semper Fi Drive onto SR 200 will be constructed at such time as the road is resurfaced, based on FDOT permitting and requirements.

F. Development Standards: The development shall be subject to the following standards:

1. Accessory Structures. Per Article 28.16 of the Zoning Code.
2. Minimum Lot Requirements:
 - a) Minimum lot width: Fifty (50) feet for single family units (except that single-family lots in cul-de-sacs shall have a minimum width of twenty-five (25) feet at the right-of-way line, forty-five (45) feet for patio units, and twenty-eight (28) feet for townhouse units.
 - b) Minimum lot area: Five thousand eight hundred (5,800) square feet for single family units, four thousand five hundred (4,500) square feet for patio units, two thousand five hundred (2,500) square feet for townhouse units.
3. Minimum Yard Requirements.
 - a) Front yard: Twenty-five (25) feet.
 - b) Side yards: Five (5) feet for single family houses; a total of seven and one-half (7.5) feet for patio units with one side yard being allowed to be zero feet; Ten feet for the end units of townhouse sets and multi-family buildings.
 - c) Rear yard: Ten (10) feet.
 - d) All yards shall be measured from the finished face of the exterior foundation wall to the property line. Lot widths shall be measured as an average on irregular shaped lots. Cantilevered projections from dwelling units shall be permitted to project no more than five (5) feet into the required minimum yard setback.

Summer Beach Development Group, Ltd.

- e) All screened pool enclosures, whether attached, semi-attached or detached from the principal building, shall adhere to a minimum yard setback requirement of ten (10) feet and shall not be located in the front yard.

4. Building Restrictions

- a) Maximum building height: Thirty-five (35) feet as measured to the cornice line.
- b) Maximum lot coverage: Forty (40) percent for single family houses; fifty (55) percent for patio units; sixty (60) percent for townhouse and multi-family units.

5. Signage:

- a) Permanent Signage: The Project may have an entry feature and related project identification signage at the Primary Entrance. The Primary Entrance identification signs shall not exceed one hundred and fifty (150) square feet on each face. The Secondary Access may have a sign not to exceed fifty (50) square feet that identifies the project and defines the rules governing the access. Sub-areas within the project shall also be entitled to project identification signage identifying the sub-area. Each distinct development area and recreational area within the project shall also be entitled to identification signage. Sub-area or recreational area identification signage shall not exceed fifty (50) square feet on each sign face. All project signs may either be designed as ground-mounted signs or integrated into or mounted on landscape features such as walls and fences. All lighting of signs may be sign mounted or ground mounted light units projecting onto the sign. The signs at the Primary Entrance and distinct development areas or recreational area may be single faced or double faced and the Primary Entrance signage may include two (2) separate signs, one on each side of the entrance.
- b) Temporary marketing and/or promotional signage shall be allowed within the project adjacent to the Primary Entrance at SR-200 until all of the residential lots, completed residences and neighborhood and community commercial lands are sold (the "Temporary Marketing Signage"). The Temporary Marketing Signage may consist of up to two (2) marketing signs at the project entrance, a marketing sign at the project sales office, and signs at each residential unit or lot. The Temporary Marketing Signs located at the primary entrance and at the sales office may be single faced or double faced and each sign shall be limited to a maximum cumulative signage area of no more than one hundred (100) square feet. The signs at each residential unit and lot shall not exceed ten (ten) square feet per face.
- c) Traffic and street name signage may include aesthetic framing, however, any applicable FDOT/Nassau County standards for sign face, elevations, etc. will be maintained, by the Developer and/or applicable homeowner's or property owner's association as appropriate to these conditions, for such traffic and street name signage consistent with the provisions of this paragraph. Nassau County will not be required to maintain the decorative portion of any signage accepted by Nassau County for maintenance.

6. Landscaping and Buffers: Any maintenance/service site to be developed within the project, and lots directly abutting lots in Johnson Lake Estates, shall be buffered from adjacent properties by an opaque fence or wall at least six feet in height or by a landscape planting area at least ten feet deep.

G. Construction Standards: Except as specifically provided herein, all development in the Plummers Creek PUD shall be in accordance with Nassau County's subdivision and land

development standards, and any applicable State standards, in effect as of the date of the Ordinance creating the Plummers Creek PUD and any applicable JEA or other utility providers standards with respect to any water, sewer, or electrical utilities for the Plummers Creek PUD served by JEA or other utility provider. Prior to the issuance of any building permit for a dwelling unit or recreational facilities, water mains and fire hydrants shall be installed and operational and the sub-base of all roads stabilized (Foundation only permits shall be exempt from this provision).

- H. Utilities: All sewer, water, electrical, telephone, and cable distribution and collection lines will be constructed underground where possible, unless stated otherwise or as required by the respective franchise companies. Above ground utility elements such as transformers and switching boxes will be screened and/or landscaped. All utilities shall be provided in accordance with the rules and regulations established by the appropriate governmental agency. Ownership, maintenance and operation of the water, sewer, electrical, telephone and other service utilities will be the responsibility of the respective franchise companies serving the area. Temporary overhead power and telephone lines as well as construction "drop" poles at each structure may be used during construction until such time as underground service is available.
- I. Open Spaces: The area depicted as "open spaces" on the Preliminary Development Plan, including but not limited to the wetland preservation areas, wetland mitigation areas and recreational amenities, shall be permitted to be used for passive and active recreational activities. Multi-purpose trails and walkways may be constructed in and through these areas subject to applicable wetlands and other permits. The exact boundaries of all such areas shall be established on the Final Development Plans for each phase or increment of development.
- J. Community Recreational Amenity: Prior to the issuance of the certificate of occupancy on the 150th residential unit, the Developer shall provide a community recreational site that includes an open play field, children's play structure, benches and picnic facilities. The location of this facility shall be established on a Final Development Plan.
- K. Sidewalks and Trails: Four (4) foot sidewalks shall be provided on both sides of all streets with 5'x 5' passing zones or its equivalent provided every 200' or as otherwise provided in and subject to compliance with Nassau County and the State of Florida Americans with Disabilities (ADA) requirements. Driveways may act as passing zones if they do not have cross slope exceeding two percent (2%). If the projected traffic on any portion of a street causes that portion to meet the County's definition of a "Collector", the sidewalks along that portion of the street shall be five (5) feet in width.
- L. Streetlights: Streetlights shall be provided on each street in the residential areas. Special decorative lighting may be provided at the primary project entrance, at the recreation areas and at entrances into defined sub-areas of the site. A lighting plan demonstrating the location of streetlights shall be submitted with final engineering plans for approval by the Development Review Committee.
- M. Stormwater Management Facilities: All stormwater management facilities shall be permitted by and constructed to the standards of the St. Johns River Water Management District whereby fences are not required, and shall be conveyed to the homeowner's/property owner's association which shall have responsibility for maintenance and insurance. The Developer shall secure a St. Johns River Water Management District permit, and any applicable Nassau County permits, for stormwater facilities before final approval of the Final Development Plan.

- N. Wetlands and Wetland Buffers: All wetlands within the Project as depicted on the Plummers Creek PUD Preliminary Development Plan shall be protected with undisturbed buffers of native vegetation between any developed area and such wetland with buffers that have an average width of fifty feet (50') and a minimum width of twenty-five feet (25'), and provided access ways of no more than twenty feet (20') wide may be provided through the wetland buffer, all as authorized pursuant to the current requirements of Nassau County Ordinance No. 2000-40, Section 6.5, adopted May 17, 1999, revised February 28, 2000 and revised September 25, 2000. The term "access ways" as used here shall mean trails or boardwalks as may be constructed to serve individual lots. The exact boundaries of wetlands and wetland buffers shown on the Plummers Creek PUD Preliminary Development Plan will be depicted on the final engineering plans for applicable phases of the Plummers Creek PUD consistent with the above-described requirements. A professional analysis of the wetlands on the property has been undertaken based on the St. Johns River Water Management District (SJRWMD) criteria, and the wetland lines based on that analysis have been flagged and surveyed. The wetlands on the site will be managed subject to an Environmental Resource Permit from the SJRWMD and Individual Permit from the US Army Corps of Engineers (COE). These permits will utilize on-site and/or off-site wetland creation, enhancement and buffering to mitigate all impacts associated with the development in conformance with the regulations of SJRWMD and COE.
- O. Home Occupations: Home occupations shall be allowed as a conditional use within any single-family residential parcel, in accordance with the provisions of Section 28.14 of the Zoning Code.
- P. Recreation Impact Fees: The Plummers Creek PUD shall be subject to Recreation Impact Fees for Community and Regional Parks pursuant to the applicable requirements of Ordinance 2003-25. If the Developer chooses to construct active Community Park recreation facilities, subject to the criteria established in the Regional Planning Council Report on Recreation Impact Fees, dated December 9, 2002, the Developer may receive impact fee credits for constructed active Community Park recreation facilities in accordance with Ordinance No. 87-17, as amended, and subject to the approval of such credits by the Board of County Commissioners.
- Q. School Impact Fees: The Developer acknowledges the Inter-local agreement that exists between Nassau County and the Nassau County School Board. The Developer has met with the representative(s) of the School Board pursuant to that agreement for purposes of discussing the potential school impacts of the proposed development. The Developer has executed a "School Capacity Solution Letter" and delivered same to the County Planning Office and the School Board. It is understood that such Letter shall be attached to the PUD Ordinance as Exhibit D.
- R. Alterations: Changes in the location of the road(s), project entrances, stormwater system improvements, and to the boundaries, size and configuration of lots, and recreation/open space areas, as depicted on the Plummers Creek PUD Preliminary Development Plan to accommodate environmental, permitting and design factors, conditions and requirements of the Developer is allowed, so long as the proposed alterations do not constitute a Major Amendment to the PUD, pursuant to the provisions of Section 25.07 of the Nassau County Zoning Code and provided the integrity of the original application is maintained, provided the same shall be finalized by the Developer during final engineering plan approval for the applicable phase of development.
- S. Public Disclosure: The Developer, or its designated successor, assign or designee, will be required to maintain a copy of the approved Planned Unit Development Ordinance, including the Preliminary Development Plan and PUD Conditions in any builder sales office located in the project which is available for inspection by project residents and landowners, including

the posting for public viewing of the preliminary development plan in any builder sales office, and this obligation shall be contained in the Covenants and Restrictions that are placed on the residential lands within the project.

- T. Concurrency: It is acknowledged that the County has issued to the Plummers Creek PUD a "DECISION GRANTING FINAL CERTIFICATE OF CONCURRENCY WITH CONDITIONS" dated January 23, 2004 approving 500 Single Family Detached Housing Units. The expiration date of the certificate is January 23, 2006. However, so long as the conditions of the Plummer's Creek PUD and the conditions of the Final Certificate of Concurrency are met, the certificate of concurrency shall remain in full force and effect without the necessity for extension or renewal. Additionally, the approval encompasses the development of "single-family residences, patio homes, townhouse and/or multi-family residences" as specified in II.B.1 of these Conditions.

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EXHIBIT D

**Summer Beach Development Group, Inc.
5456 First Coast Highway
Amelia Island, FL 32034**

February 24, 2004

Mr. Cris W. McConnell
Director of Facilities
Nassau County School Board Facilities Department
928 Goodbread Drive
Yulee, FL 32097

RECEIVED
2/24/04

RE: Plummers Creek PUD
DEVELOPER'S COVENANT ON SCHOOL CAPACITY FUNDING
Summer Beach Development Group, Inc.
Application for PUD Rezoning to Nassau County dated December 23, 2003

Dear Mr. McConnell:

The undersigned as president, the owner or developer of real property located in Nassau County, Florida, legally described on Exhibit "A" hereto and known as Summer Beach Development Group, Inc., hereby covenants with the Nassau County School District as follows:


1. The undersigned acknowledges that recent changes in Florida law have made it necessary for developers, builders and owners of residential real estate properties to cooperate in developing a solution for deficiencies in school capacity which are expected to occur as the population of Nassau County grows.
2. The undersigned agrees that it would best serve the public interest to have a solution for these projected deficiencies which is reasonable, uniformly applied and implemented at the time building permits are issued for residential dwellings. Any dwelling for which a building permit has been issued prior to the adoption and effective date of a Schools Impact Fee by Nassau County shall be exempt from such fees. The Approved School Capacity Solution will not be applicable to any lands which are platted at the time of the effective date of the implementation of the Approved School Capacity Solution if such platted lands are the subject to the terms of a binding purchase and sale agreement obligating Summer Beach Development Group, Inc. to convey such unplatted lands or portion thereof to a third party. The undersigned agrees to participate in the development of such a solution or, alternatively and at the election of the School Board, agrees that the Nassau County School Board may elect to independently address projected school capacity deficiencies by requesting the Nassau Board of County Commissioners to adopt a school impact fee schedule as authorized by Nassau County Ordinance No. 87-17, as amended by Ordinance No. 2003-25.
3. The undersigned, representing that he has full authority to make such representations on behalf of the owner and the development entity, agrees to accept and to be bound by the provisions of Nassau County Ordinance 87-17 and 2003-25 as applied to the property described in Exhibit "A" hereto, or, alternatively, that it will accept and be bound by any other solution which is reasonable and uniformly applied and implemented for all other landowners in Nassau County

Mr. Cris W. McConnell
Nassau County School Board Facilities Department
November 25, 2003
Page 2 of 2

seeking a building permit for residential dwellings. This agreement shall constitute a covenant running with the land being developed, as described on Exhibit "A" hereto, and shall be binding on the owner of such lands or any successor in title to such lands who seeks a building permit for any residential dwellings located on said real property.

4. The undersigned acknowledges that the School District must receive satisfactory assurance of the cooperation of all residential developers, builders, and owners in developing a solution to the public issue of assuring adequate school capacity as a prerequisite to securing the District's approval for its development plans to proceed through Nassau County's government approval process. Accordingly, if further assurance is needed to secure the School District's approval for this development to proceed through the Nassau County Planning and Zoning Commission process, please advise the undersigned.

Yours truly,
Summer Beach Development Group, Inc.


By James U. Sands
President

cc: Dr. John L. Ruis (*via fax 904-321-5879 & regular U. S. Mail*)
Richard Withers, Esq. (*via fax 371-3064 & regular U. S. Mail*)
Sue Jarzyna (*via fax 904-491-3618 & regular U. S. Mail*)
Mark Major, AICP (*via fax 904-491-3611 & regular U. S. Mail*)



SURVEYORS
&
LAND PLANNERS

PRIVETT & ASSOCIATES, INC.

200 SHADOWLAWN DRIVE
ST. MARYS, GEORGIA 31558

Telephone: 912/882-3738
Fax: 912/882-2729
email: privett@gate.net

EXHIBIT A

December 17, 2003

LEGAL DESCRIPTION OF A PORTION OF SECTION 1, SECTION 11, SECTION 12 & SECTION 13, TOWNSHIP 2 NORTH RANGE 26 EAST AND A PORTION OF SECTION 17, TOWNSHIP 2 NORTH RANGE 27 EAST, NASSAU COUNTY, FLORIDA:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF SECTION 1, SECTION 11, SECTION 12 AND SECTION 13, TOWNSHIP 2 NORTH RANGE 26 EAST, AND A PORTION OF SECTION 17, TOWNSHIP 2 NORTH RANGE 27 EAST, NASSAU COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 12 AND RUN NORTH $88^{\circ}-55'-07''$ EAST, ALONG THE NORTHERLY LINE OF SAID SECTION 12, A DISTANCE OF 1329.58 FEET TO A POINT LYING ON THE EASTERLY LINE OF LANDS NOW OR FORMERLY OF CARL POWELL, III (ACCORDING TO DEED RECORDED IN BOOK 573, PAGE 410 OF THE OFFICIAL RECORDS OF SAID COUNTY) SAID POINT BEING THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED RUN NORTH $01^{\circ}-27'-35''$ WEST, ALONG THE WESTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 155.34 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 200-A1A (A VARIED RIGHT-OF-WAY BY FLORIDA ROAD DEPARTMENT MAPS, SECTION 74040-2528), SAID POINT TO BY DESCRIBED AS POINT "A"; THENCE RUN BACK TO THE POINT OF BEGINNING AND FROM SAID POINT RUN THENCE SOUTH $01^{\circ}-27'-35''$ EAST, ALONG THE WESTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 333.10 FEET TO THE SOUTHEAST CORNER THEREOF; RUN THENCE NORTH $88^{\circ}-55'-57''$ EAST, ALONG THE SOUTHERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 1336.42 FEET TO THE SOUTHEAST CORNER THEREOF, SAID POINT BEING THE SOUTHWEST CORNER OF LANDS NOW OR FORMERLY OF RAYLAND COMPANY, LLC (ACCORDING TO DEED RECORDED IN BOOK 597, PAGE 407 OF THE OFFICIAL RECORDS OF SAID COUNTY); RUN THENCE SOUTH $73^{\circ}-01'-36''$ EAST, ALONG A SOUTHERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 830.00 FEET TO AN ANGLE POINT; RUN THENCE NORTH $72^{\circ}-57'-33''$ EAST, ALONG LAST MENTIONED SOUTHERLY LINE, A DISTANCE OF 400.00 FEET TO A POINT; RUN THENCE SOUTH $16^{\circ}-35'-59''$ EAST, A DISTANCE OF 1167.97 FEET TO A SOUTHWEST CORNER THEREOF; RUN THENCE NORTH $73^{\circ}-23'-50''$ EAST, ALONG A SOUTHERLY LINE THEREOF, A DISTANCE OF 1104.27 FEET TO A SOUTHEAST CORNER THEREOF, SAID POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF JOHNSON LAKE ROAD; RUN THENCE SOUTH $16^{\circ}-37'-22''$ EAST, ALONG LAST MENTIONED WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1741.15 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN LAST MENTIONED WESTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE TO THE WEST AND HAVING A RADIUS OF 217.00 FEET, A CHORD DISTANCE OF 85.22 FEET TO A POINT, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH $05^{\circ}-17'-54''$ EAST; RUN THENCE SOUTH $83^{\circ}-58'-22''$ EAST, ALONG THE

SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 66.00 FEET TO A POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID JOHNSON LAKE ROAD; RUN THENCE NORTH 06°-01'-38" EAST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID JOHNSON LAKE ROAD, A DISTANCE OF 56.67 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 (A 300 FOOT RIGHT-OF-WAY BY FLORIDA ROAD DEPARTMENT MAPS, SECTION 74160-2401); RUN THENCE SOUTH 16°-37'-22" EAST, ALONG LAST MENTIONED WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 234.50 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN LAST MENTIONED WESTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE TO THE WEST AND HAVING A RADIUS OF 7489.44 FEET, A CHORD DISTANCE OF 1530.39 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF LOT 32 JOHNSON LAKE ESTATES - UNIT 2 (ACCORDING TO PLAT RECORDED IN PLAT BOOK 5, PAGE 168, OF THE OFFICIAL RECORDS OF SAID COUNTY), THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 10°-45'-31" EAST; RUN THENCE NORTH 82°-03'-24" WEST, ALONG THE NORTHERLY LINE OF LOTS 30, 31, 28 AND 26 DOWN THROUGH 20 OF SAID JOHNSON LAKE ESTATES UNIT 2, A DISTANCE OF 1614.35 FEET TO AN ANGLE POINT IN THE NORTHERLY LINE OF THE AFOREMENTIONED LOT 20; RUN THENCE SOUTH 71°-19'-30" WEST, ALONG THE NORTHERLY LINE OF LOT 20 AND 19 OF SAID JOHNSON LAKE ESTATES, UNIT 2, A DISTANCE OF 447.11 FEET TO THE NORTHWEST CORNER OF LOT 19; RUN THENCE SOUTH 07°-55'-09" WEST, ALONG THE WESTERLY LINE OF LOTS 19 DOWN THROUGH 11 OF SAID JOHNSON LAKE ESTATES, UNIT 2, A DISTANCE OF 1200.00 FEET TO AN ANGLE POINT IN LOT 11; RUN THENCE SOUTH 37°-44'-29" EAST, ALONG THE SOUTHWESTERLY LINE OF LOTS 11 AND 10 OF SAID JOHNSON LAKE ESTATES, UNIT 2, A DISTANCE OF 497.86 FEET TO THE SOUTHWEST CORNER OF LOT 10; RUN THENCE SOUTH 04°-10'-27" WEST, ALONG THE WESTERLY LINE OF LOTS 6 DOWN THROUGH 1 OF SAID JOHNSON LAKE ESTATES, UNIT 2, A DISTANCE OF 645.07 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; RUN THENCE SOUTH 82°-06'-46" EAST, ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 400.00 FEET TO THE SOUTHEAST CORNER THEREOF; RUN THENCE SOUTH 62°-54'-41" EAST, A DISTANCE OF 351.39 FEET TO A POINT; RUN THENCE SOUTH 61°-05'-44" EAST, A DISTANCE OF 442.68 FEET TO THE NORTHEAST CORNER OF LANDS NOW OR FORMERLY OF ITT RAYONIER, INC.; RUN THENCE SOUTH 56°-07'-56" WEST, ALONG THE NORTHWESTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 691.19 FEET TO A POINT; RUN THENCE NORTH 32°-49'-00" WEST, ALONG A NORTHEASTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 585.55 FEET TO AN ANGLE POINT; RUN THENCE NORTH 61°-49'-42" WEST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 487.99 FEET TO A POINT; RUN THENCE NORTH 17°-51'-15" WEST, ALONG AN EASTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 352.45 FEET TO A POINT; RUN THENCE SOUTH 86°-22'-47" WEST, ALONG A NORTHERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 482.45 FEET TO A POINT; RUN THENCE NORTH 00°-11'-29" EAST, ALONG AN EASTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 693.73 FEET TO A POINT; RUN THENCE NORTH 45°-15'-38" WEST, ALONG A NORTHEASTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 268.02 FEET TO AN ANGLE POINT; RUN THENCE NORTH 60°-24'-30" WEST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 332.12 FEET TO A POINT; RUN THENCE SOUTH 50°-05'-07" WEST, ALONG A NORTHWESTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 319.28 FEET TO A POINT LYING ON THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK (AS ESTABLISHED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FILE No. 1828); RUN THENCE IN A GENERAL NORTHWESTERLY NORTHEASTERLY, SOUTHERLY, WESTERLY AND EASTERLY DIRECTION ALONG LAST MENTIONED MEAN HIGH WATER LINE, A DISTANCE OF 11,276 FEET, MORE OR LESS, TO A POINT WHICH LIES ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 200-A1A AND BEARS SOUTH 72°-19'-50" WEST, A DISTANCE OF 2541.62 FEET FROM THE AFOREMENTIONED POINT KNOWN AS POINT "A"; RUN THENCE NORTH 72°-19'-50" EAST, ALONG LAST MENTIONED SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2541.62 FEET TO THE NORTHEAST CORNER OF THE AFOREMENTIONED LANDS OF CARL POWELL, III; RUN THENCE SOUTH 01°-27'-35" EAST, ALONG LAST MENTIONED WESTERLY LINE, A DISTANCE OF 155.34 FEET TO A POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 550.72 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS OF RECORD WHICH MAY LIE WITHIN.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING THE SOUTHEAST ONE QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA (AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 12 AND RUN NORTH $88^{\circ}-55'-07''$ EAST, ALONG THE NORTHERLY LINE OF SAID SECTION 12, A DISTANCE OF 1329.58 FEET TO A POINT LYING ON THE WESTERLY LINE OF LANDS NOW OR FORMERLY OF CARL POWELL, III (ACCORDING TO DEED RECORDED IN BOOK 573, PAGE 410 OF THE OFFICIAL RECORDS OF SAID COUNTY); RUN THENCE SOUTH $01^{\circ}-27'-35''$ EAST, ALONG THE WESTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 333.10 FEET TO A POINT; RUN THENCE SOUTH $01^{\circ}-10'-14''$ EAST, A DISTANCE OF 983.75 FEET TO A POINT FOR THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED RUN NORTH $89^{\circ}-24'-27''$ EAST, A DISTANCE OF 1318.65 FEET TO A POINT; RUN THENCE SOUTH $00^{\circ}-35'-51''$ EAST, A DISTANCE OF 1319.14 FEET TO A POINT; RUN THENCE SOUTH $89^{\circ}-22'-13''$ WEST, A DISTANCE OF 1320.00 FEET TO A POINT; RUN THENCE NORTH $00^{\circ}-32'-20''$ WEST, A DISTANCE OF 1320.00 FEET TO THE POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 39.97 ACRES, MORE OR LESS, IS SUBJECT TO ANY EASEMENTS OF RECORD WHICH MAY LIE WITHIN AND IS UNDER THE OWNERSHIP OF JANIE MOBLEY CALHOUN, VINCENT L. CALHOUN AND LEE COUNCIL MOBLEY.

ALSO LESS AND EXCEPT ANY CLAIMS OF SOVEREIGN LANDS BY THE STATE OF FLORIDA.

ERNEST R. BENNETT, JR.
FLA. SURVEYOR & MAPPER No. 6232

REF. DWG. No. B-2-1564-10-03